IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.11804 of 2008
NAZIM
Versus
STATE OF BIHAR

2/ 12-May-08 Heard the parties.

Petitioner is in custody for offence under Section 395 IPC. It has been submitted that although the offence is serious in nature because a dacoity was committed on passengers in a bus going on highway but except alleged confession of a co-accused before the police there is no material against the petitioner and he is in custody since 3.9.2007.

The I.O. should have made attempts to collect further evidence by holding test identification parade and should not have relied upon only a confessional statement of a co-accused recorded before the police. Such action of the Investigating Officer allows the culprits to escape from conviction in such a serious case. Let the facts of this case be brought to the notice of Superintendent of Police, Kishanganj in connection with Kochadhaman P.S. Case No.8 of 2005.

In the facts of the case, prayer for bail is allowed. Let the petitioner, **Nazim** be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Kishanganj in Kochadhaman P.S. Case no. 8 of 2005.**

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perwez **(Shiva Kirti Singh,J.)**